

EXHIBIT

“D”

Davenport, Lavette & Cleckler, PC

A T T O R N E Y S A T L A W

W. KIRK DAVENPORT
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RECEIVED
MAR 15 2013
HARE & CLEMENT, P.C.

March 14, 2013

Via Email and U.S. Mail

Kori L. Clement, Esq.
Hare, Clement & Duck, P.C.
1010 Financial Center
505 North 20th Street
Birmingham, AL 35203

**Re: Robertson v. 19th Street Investments, Inc. and Sabbah Brothers
Enterprises, Inc.
In The Circuit Court of Jefferson County, Bessemer Division
CV- 2007-633**

Dear Kori:

I am writing on behalf of the Plaintiffs in the consolidated actions. As you are aware, the jury returned verdicts totaling over \$15 million against The Nineteenth Street Investments, Inc., in the initial phase of the trial of these cases. In our previous demand of March 3, 2011, we had offered to settle these claims for tender of the liquor liability limits of Nationwide Policy #77PR762940.

The Court has now scheduled the second phase of this trial in order to determine whether the verdict will be assessed against the other two named defendants in this action -- Sabbah Brothers Enterprises, Inc., and Ibrahim Sabbah. Both are insureds under the above policy, and both have substantial risk of the judgment being assessed against them. You are familiar with the arguments we have set forth. We are confident that we will prevail, and that a verdict substantially in excess of the \$1 million coverage available under the above policy will attach to the remaining defendants.

In order to avoid liability being assessed against Mr. Sabbah and Sabbah Brothers Enterprises, all plaintiffs will again agree to settle all claims against these defendants and against Nineteenth for payment of the \$1 million limits of the above policy.

This offer will remain open for 28 days, and thereafter will be withdrawn. After that time, plaintiffs will proceed to the second phase of trial and will make every effort to collect the judgment from any and all available personal or corporate assets.

Please advise Mr. Sabbah of this offer.

PHYSICAL ADDRESS: 3829 LORNA ROAD, SUITE 302, BIRMINGHAM, AL 35244
WEBSITE: www.dlclawyers.com

H&C 10891

With best regards, I remain,

Very truly yours,

DAVENPORT, LAVETTE & CLECKLER, P.C.

A handwritten signature in black ink, appearing to read 'Pat M. Lavette', with a long horizontal flourish extending to the right.

Patrick M. Lavette

PML/chc

cc:

Ashley Peinhardt, Esq.
Don McKenna, Esq.
Edward D. Tumlin, Esq.
Ralph Bohanan, Esq.
Andrew LaPlante, Esq.